

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DESMOND D. CLARK,

Petitioner,

v.

Civil Action No.: 2:14-2282

DAVID BALLARD, Warden,
Mount Olive Correctional Complex,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed January 16, 2014.

This action was previously referred to Dwane L. Tinsley, United States Magistrate Judge, who, on November 20, 2014, submitted his Proposed Findings and Recommendation ("PF&R") pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommends that the petition be dismissed as time barred pursuant to 28 U.S.C. § 2244(d)(1)(A).

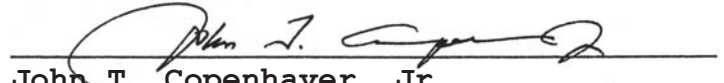
On December 4, 2014, the court received petitioner's objections. The objections concede that the magistrate judge's limitations analysis is accurate. There is thus no basis upon which to disturb the recommendation found in the PF&R.

Based upon the foregoing discussion, it is ORDERED
that:

1. The findings made in the PF&R be, and hereby are,
adopted by the court; and
2. The section 2254 petition, and this action, be, and
hereby are, dismissed without prejudice.

The Clerk is directed to forward copies of this
written opinion and order to all counsel of record, any
unrepresented parties, and the magistrate judge.

DATED: January 7, 2015


John T. Copenhaver, Jr.
United States District Judge